

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Anthony Riley,)	
)	
Plaintiff,)	C.A. No. 8:10-1315-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
James Metts, and)	
Trinity Food Service,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) (2006) and Local Civil Rule 73.02 of the District of South Carolina. Anthony Riley (“Riley”), a state detainee proceeding pro se, brought an action under 42 U.S.C. § 1983 alleging various violations to his civil rights. In her Report and Recommendation, Magistrate Judge Hendricks recommends dismissing the complaint with prejudice for lack of prosecution for failure to comply with the court’s order. (Report and Recommendation, generally.)

Riley filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The magistrate judge recommends dismissing the case because Riley failed to keep the court informed of his current address as ordered by the court. Trinity Food Service's motion to dismiss or in the alternative summary judgment was returned undeliverable from the Lexington County Detention Center. Thus, Trinity Food Service moved to dismiss for lack of prosecution arguing that Riley must no longer be housed at Lexington County Detention Center and had not informed the court of his new address. (Mot. Dismiss Lack Prosecution 3.) However, Riley has filed objections stating that he is an "inmate confined in the LCDC located in Lexington, South Carolina" and the envelope lists his address as the Lexington County Detention Center. (Objections 1.) Based on the foregoing, the court declines to adopt Magistrate Judge Hendricks' Report and Recommendation and orders that Trinity Food Service serve its motion to dismiss or in the alternative summary judgment on Riley.

Therefore, it is

ORDERED that the Defendants' motion to dismiss for lack of prosecution, docket number 37, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
November 16, 2010